IN THE CIRCUIT COURT IN AND FOR
WALTON COUNTY, FLORIDA
FIRST JUDICIAL CIRCUIT

CASE NO. 90-0338-CF

STATE OF FLORIDA,

Plaintiff,

vs.

ERNEST SUGGS,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS

THIS CAUSE was before the Court upon the Motion for the Defendant to Suppress statements and physical evidence seized (1) after his initial roadside detention, (2) following his written consent to search his vehicle and house, said consents being executed at the Walton County Sheriff's Substation, (3) as well as those items seized pursuant to a search warrant. The Court having considered the testimony presented, the argument of Counsel and being otherwise fully advised in the premises, therefore finds as follows:

1. The initial stop of the defendant's vehicle was a valid traffic stop for speeding and/or a valid investigatory stop.

2. The defendant was not formally placed under arrest at the stop site. Although law enforcement officers were suspicious, they has[sic] not concluded that a crime had occurred.

3. The Defendant consented to accompany the law enforcement officers to the Substation.

4. Even if an Appellate Court finds that this was not a consensual trip to the Substation, the Defendant's conduct at the Substation created a valid waiver.

5. At the substation, the Defendant signed a written consent to search both his vehicle and his house. In view of the totality of the circumstances, the Court concludes that the State has shown by clear and convincing evidence that the consent was voluntary. In making this determination of voluntariness, the Court has considered the following factors, among others:

a. Defendant asserts that he had been without sleep, was intoxicated, and therefore not able to effect a valid consent.

b. However, from the defendant's testimony at the motion hearing, the Court concludes that rather than sleeping, the defendant was outside working on his dock and truck during the pre-dawn hours before he was stopped. Had the defendant been as tired or drunk as he now asserts, it is reasonable to assume he would have stayed home and slept.

It is therefore

ORDERED that the Defendant's Motion to Suppress statements and physical evidence seized from him is hereby **DENIED**.

DONE AND ORDERED in DeFuniak Springs, Walton County, Florida, this 15th day of May, 1991.

LAURA MELVIN
CIRCUIT JUDGE

Conformed copies to:

Clayton Adkinson, Assistant State Attorney

Earl Loveless, Assistant Public Defender

By: _____
Deputy Clerk

Date: _____